

W.P.NO.26568 OF 2005.

Per G.S. Singhvi, CJ

In this petition filed in the name of public interest litigation, the petitioner has prayed for issuance of a writ of mandamus declaring the action of respondents 1 to 5 in depriving the consumers of having commodities they purchased carry correct weight, rate, quantity, quality, hygienity, purity and freshness despite paying full sale consideration value, as highly arbitrary, illegal and unconstitutional and also to direct the respondents 1 to 5 to set up commodity testing centers accessible to consumers so as to enable them to know quality of the goods, quantity (weight and measurement), freshness (expired, un-expired), purity, legality (prohibited goods / un-prohibited goods) and correct price, etc., for all goods which are brought by the consumers.

We have heard Sri Gopalakrishna Kalanidhi and carefully perused the averments contained in the writ petition.

At the outset, it is apposite to mention that the verification of the affidavit filed in support of the petition is extremely casual inasmuch as the deponent has not even bothered to fill in the blanks with reference to certain paragraphs of the petition. The contents of paragraphs 1 to 9 have been verified on the basis of the documents, but no document has been filed along with the petition. The contents of some blank paragraphs have been verified by the petitioner on his own knowledge. On the basis of such affidavit the Court cannot issue a writ, order or direction in terms of the prayer made by the petitioner.

We are further of the view that on the basis of vague and bald averments contained in the writ petition without any indication of steps having been taken by the petitioner to bring the so-called efficiencies in the services provided to the consumers to the notice of the authorities concerned, the Court cannot issue direction for making a roving enquiry which may result into fishing out some material supporting the cause of the petitioner.

When an enlightened group of citizens seek intervention of the Court in public interest, they are under an onerous duty to make sincere effort to collect material which may support the cause of the public, else the petition like this

will have to be treated as one filed for the sake of publicity only.

Without making further comments on the tenor of the writ petition we hold that the petitioner has failed to make out a case for issuance of a writ, order or direction in terms of the prayer made and the writ petition is liable to be dismissed. Ordered accordingly.

However, it is made clear that dismissal of this petition shall not preclude the petitioner from instituting fresh petition with adequate material and supportive evidence. No costs.

G.S. SINGHVI, CJ

C.Y. SOMAYAJULU, J

December 15, 2005

Vrk / svs